



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

November 26, 2013

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

3 November 26, 2013

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

PUBLIC HEARING
RESOLUTION TO VACATE A PORTION OF THE ALLEY
SOUTH OF WHITTIER BOULEVARD AND EAST OF BRANNICK AVENUE
IN THE UNINCORPORATED COMMUNITY OF EAST LOS ANGELES
(SUPERVISORIAL DISTRICT 1)
(3 VOTES)

SUBJECT

This action involves the proposed vacation of a portion of an alley south of Whittier Boulevard and east of Brannick Avenue in the unincorporated community of East Los Angeles, which is no longer needed for public use. The vacation has been requested by the underlying property owners.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING:

1. Find that this action is categorically exempt from the provisions of the California Environmental Quality Act.
2. Find that the portion of the alley proposed to be vacated south of Whittier Boulevard and east of Brannick Avenue in the unincorporated community of East Los Angeles is unnecessary for present or prospective public use and is not useful as a nonmotorized transportation facility.
3. Find that the public convenience and necessity require the reservation and exception of easements and rights of way for the maintenance, operation, replacement, removal, and renewal of utility facilities located within a portion of the alley south of Whittier Boulevard and east of Brannick Avenue in the unincorporated community of East Los Angeles, owned by Southern California Edison Company, Pacific Bell Telephone Company (dba AT&T California), and California Water Service

Company, as well as an easement for sanitary sewer purposes to the County in accordance with Sections 8340 and 8341 of California Streets and Highways Code.

4. Adopt the Resolution to Vacate a portion of the alley south of Whittier Boulevard and east of Brannick Avenue in the unincorporated community of East Los Angeles with Reservations, pursuant to Section 8324 of the California Streets and Highways Code.

5. Upon approval, authorize the Director of Public Works to record the certified original resolution with the office of the Registrar-Recorder/County Clerk of the County of Los Angeles.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to find that the project is categorically exempt from the California Environmental Quality Act (CEQA) and allow the County of Los Angeles to vacate a portion of the alley south of Whittier Boulevard and east of Brannick Avenue (Easement) in the unincorporated community of East Los Angeles, since it no longer serves the purpose for which it was dedicated and is not required for public access or transportation.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1). The vacation of the Easement will result in added revenue through assessment and taxation and reduce the County's exposure to potential liability.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The vacation of the Easement will not have a negative fiscal impact on the County's budget. The applicant has paid a \$1,500 fee to defray the expense of the investigation, mailings, publication, and posting. This amount has been deposited into the Road Fund. The fee was authorized by the Board in a resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321(d) of the California Streets and Highways Code.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The area to be vacated contains approximately 2,171 square feet and is shown on the map that is attached to the enclosed Resolution to Vacate with Reservations.

The procedure of the vacation of a County highway is set forth in Chapter 3 of Part 3 of Division 9 of the California Streets and Highways Code commencing with Section 8320.

Pursuant to Section 8320, the Board may initiate proceedings to vacate a public highway by having the Executive Officer of the Board of Supervisors set a date (not less than 15 days after the initiation of proceedings), hour, and place for a hearing on the vacation.

Pursuant to Section 8322, notice of hearing must be published for at least two successive weeks prior to the hearing in a daily, semiweekly, or weekly newspaper published and circulated in the County.

Pursuant to Section 8323, at least two weeks before the day set for the hearing, at least three notices of the hearing must be posted conspicuously along the line of the highway proposed to be vacated.

Pursuant to Section 8324, the Board may adopt a resolution vacating the highway if, after considering all the evidence offered at the hearing, the Board determines that the highway is unnecessary for present or prospective public use.

Additionally, pursuant to Sections 892 and 8314, the Board must also find that the highway proposed to be vacated is not useful as a nonmotorized transportation facility, prior to resolving to vacate the highway.

The County's interest in the Easement was acquired by dedication in Tract No. 7707, recorded in Book 92, page 8, of Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, as easements for public alley purposes.

The vacation has been requested by Ms. Teri Kahlen, on behalf of the Nunez family, the underlying property owners, with the intention of incorporating the vacated area into a proposed site development. The proposed site development is a result of the relocation of the Nunez's hardware store due to the expansion project of the El Camino Branch Library located at 4264 Whittier Boulevard.

A portion of the alley has been determined to be unnecessary for present and prospective public use and is not required for public access or transportation as there is sufficient public access to all other properties via Whittier Boulevard and the remainder of the alley.

The proposed vacation was reviewed by the County Sanitation Districts, Fire Department, Department of Parks and Recreation, and the Department of Regional Planning, as well as the Department of Public Works. It was determined to be not useful as a nonmotorized transportation facility and meets with the goals and objectives of the Community Plan and underlying zoning.

Easement rights for existing facilities will be reserved for Southern California Edison Company, Pacific Bell Telephone Company (dba AT&T California), and California Water Service Company, as well as an easement for sanitary sewer purposes to the County pursuant to Sections 8340 and 8341 of the California Streets and Highways Code.

ENVIRONMENTAL DOCUMENTATION

This action is categorically exempt from the provisions of CEQA. The proposed vacation of the Easement is within a class of projects that has been determined not to have a significant effect on the environment in that it meets the criteria of Sections 15305 and 15321 of the State CEQA Guidelines. In addition, the project is not in a sensitive environment, and there are no cumulative impacts, unusual circumstances, or other limiting factors that would make the exemption under Section 15305 inapplicable based on the project records.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action will allow for additional property taxes through the vacation of the Easement.

Existing easement rights for utility facilities will be reserved for Southern California Edison Company, Pacific Bell Telephone Company (dba AT&T California), and California Water Service Company, as well as an easement for sanitary sewer purposes to the County pursuant to Sections 8340 and 8341 of the California Streets and Highways Code.

CONCLUSION

The Department of Public Works, Survey/Mapping & Property Management Division, will post notices of the hearing in accordance with Section 8323 of the California Streets and Highways Code.

Please return one adopted copy of this letter and one original and one copy of the Resolution to the Department of Public Works, Survey/Mapping & Property Management Division, together with a copy of the Board's minute order. Retain one original for your files.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:SGS:mr

Enclosures

c: Auditor-Controller (Accounting Division - Asset
Management)
Chief Executive Office (Rita Robinson)
County Counsel
Executive Office

**RESOLUTION TO VACATE
A PORTION OF THE ALLEY SOUTH OF WHITTIER BOULEVARD
AND EAST OF BRANNICK AVENUE WITH RESERVATIONS**

WHEREAS, the Board of Supervisors of the County of Los Angeles has conducted a noticed public hearing regarding the proposed vacation of a portion of the alley south of Whittier Boulevard and east of Brannick Avenue in the unincorporated community of East Los Angeles, in the County of Los Angeles, State of California, as legally described in Exhibit A and depicted on Exhibit B, both attached hereto, in accordance with Chapter 3, Part 3, Division 9, of the California Streets and Highways Code, commencing with Section 8320, and has considered all evidence submitted at the hearing;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

1. That the above-described portion of alley is unnecessary for present or prospective public use, and is not useful as a nonmotorized transportation facility.
2. That the public convenience and necessity require the reservation and exception of easements and rights of way for the maintenance, operation, replacement, removal, and renewal of utility facilities located within the alley, owned by Southern California Edison Company, Pacific Bell Telephone Company (dba AT&T California), and California Water Service Company, as well as an easement for sanitary purposes to the County in accordance with Sections 8340 and 8341 of the California Streets and Highways Code.
3. That the above-described alley is hereby vacated pursuant to Chapter 3, Part 3 Division 9, of the California Streets and Highways Code, commencing with Section 8320; reserving and excepting therefrom easements and rights of way for the maintenance, operation, replacement, removal, and renewal of utility facilities located within a portion of the alley in favor of Southern California Edison Company, Pacific Bell Telephone Company (dba AT&T California), and California Water Service Company, as well as an easement for sanitary sewer purposes to the County.
4. That the Director of Public Works, or her designee, is authorized to record the certified original resolution in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles.

The foregoing resolution was on the 26th day of November, 2013, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

APPROVED AS TO FORM:

JOHN F. KRATTLI
County Counsel

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By

Deputy

By

Deputy



EXHIBIT A

Project Name: **ALLEY SOUTH OF WHITTIER
BOULEVARD AND EAST OF
BRANNICK AVENUE 719-1VAC**
A.M.B. 5236-015 (Alley)
T.G. 675-E1
I.M. 114-217
R.D. 142
S.D. 1
P.C.A. M1288110

LEGAL DESCRIPTION

PARCEL NO. 719-1VAC (Vacation of easement for alley purposes):

That portion of that certain Alley, 20 feet wide, as shown on map of Tract No. 7707, recorded in Book 92, page 8, of Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, and that portion of Evans Avenue, 25 feet wide, as shown on said map, bounded on the north by the southerly line of Lot A of said tract and its easterly prolongation, bounded on the south by the northerly line of Lot 50 of said tract and its easterly prolongation, bounded on the east by the easterly sideline of said Evans Avenue, and bounded on the west by a line parallel with and 108.56 feet westerly, measured at right angles, from the easterly sideline of said Evans Avenue.

RESERVING to the County of Los Angeles an easement for sanitary sewer purposes in, over, and across the above-described portion of the alley being vacated.

Also RESERVING to Southern California Edison Company, Pacific Bell Telephone Company (dba AT&T California), and California Water Service Company easements for public utility purposes in, over, and across the above-described portion of alley being vacated.

The reservations herein are being made in accordance with the provisions of Sections 8340 and 8341 of the Streets and Highways Code of the State of California.

Containing: 2,171± square feet

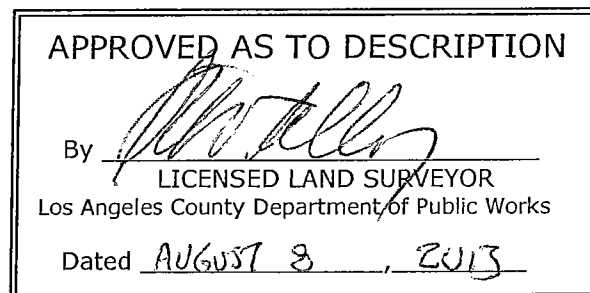


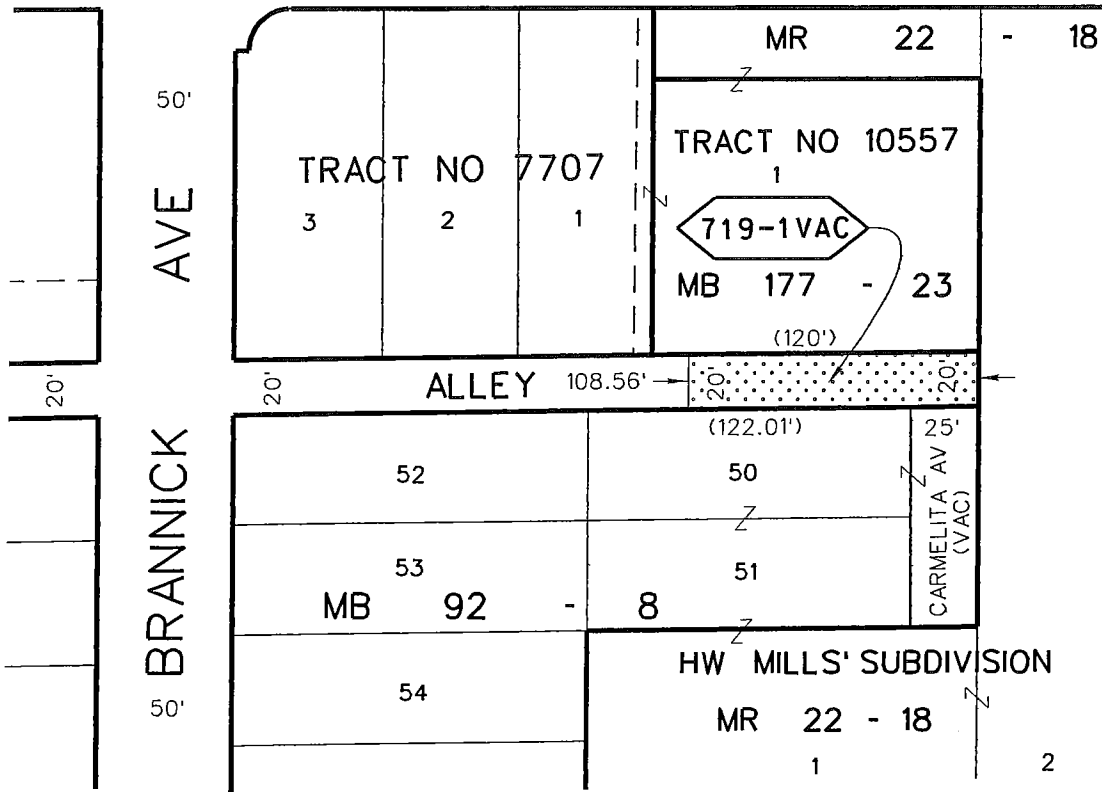
EXHIBIT B

WHITTIER

80'

BL

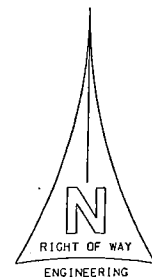
80'



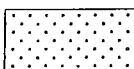
BY:

LICENSED SURVEYOR

8-8-2013
DATE



LEGEND



PROPOSED VACATION OF ALLEY
AREA = 2,171± S.F.

ALL IN THE UNINCORPORATED TERRITORY
OF THE COUNTY OF LOS ANGELES

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS

MAP PREPARED BY: R. AVANCENA

SURVEY/MAPPING & PROPERTY MANAGEMENT DIVISION

S.D.
1

R.D.
142

A.M.B.
5236-015

T.G.
675-E1

ALLEY SOUTH OF
WHITTIER BOULEVARD
AND EAST OF
BRANNICK AVENUE

DRAWING NO.

M1288110

MPV0000133

SCALE
NONE

DATE
7-24-13

I.M.
114-217